

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-31 remain pending. Claims 1, 10 and 26 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Interview Summary***

Applicants appreciate the time afforded by the Examiner's Supervisory Patent Examiner (SPE), Eric Stamber, in conducting the telephonic interview of January 18, 2008. During the Interview, Mr. Stamber indicated that the finality of the prior Office Action was withdrawn and that the action shall for all intents and purposes be considered a non-final action. This Reply is in response to the prior Action as considered to be non-final.

#### ***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2004/0153378 to Perkowski ("Perkowski") in view of U.S. Patent No. 5,724,521 to Dedrick ("Dedrick"). As applied to the claims as amended, Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claim 1 recites a method of receiving image data on a service button or banner advertisement, comprising *inter alia*, causing the user's communication device to display an image of the service button or banner advertisement as part of the display provided by a predetermined image data viewer application wherein the predetermined image data viewer application installed in a user's communication device is activated and displayed on the display device, on the basis of the received image data on the service button or banner advertisement,

wherein the predetermined image data viewer application displays the image of the service button or banner advertisement simultaneously with image data files or sound data files of the user, and wherein the user instructs the particular service to be performed on at least one of the image data files or sound data files by selecting the at least one of the image data files or sound data files and selecting the service button or banner advertisement, using an interface of the predetermined image data viewer application,

wherein the service button or banner advertisement is associated with a URL of a service server of the particular service provider and wherein when the user selects the service button or banner advertisement, the predetermined image data viewer application activates a Web browser and gives the URL of the service server to the Web browser such that the Web browser connects to the service server of the particular service provider.

As previously discussed in Applicants' prior Responses, according to the features of the present invention a predetermined application installed on the client computer provides a screen on the client computer display for displaying the image data of the service button or banner advertisement. For example, referring to Fig. 3, the client application 22 displays images of service buttons 28, 29, etc., image data of which are received by the client computer from a menu server in response to a transmission of particular identification information from the client computer to the menu server. However, the particular identification information does not originate from the client computer.

According to the features of the present invention, the particular identification information is provided to the user by the provider of the particular service that is associated with the particular identification information. In this manner, the service buttons can be customized for a particular client based on the transmitted particular identification information. For example, the particular identification information can be provided to the user on a floppy disk or a CD-ROM which might be packaged with a camera or other accessory for which particular service can be provided by the service provider associated with the particular identification information. When the user operates the client application (e.g., image viewer) on his/her computer, the particular identification information is sent to the first server and image data regarding service buttons or banner advertisements are transmitted to the user's computer and are

used by the client application to display service buttons or banner advertisements as part of the client application, respectively. These buttons or banner ads, since they correspond to the particular identification information, are customized for the user that has received the particular identification information from the service provider.

In addition, the client application, a predetermined image data viewer application, displays the image of the service button or banner advertisement simultaneously with image data files or sound data files of the user. Owing to this feature, the user is enabled to instruct a particular service corresponding to one of the service buttons or banner advertisements to be carried out on one of the image data or sound data files by selecting the at least on image data or sound data files and selecting a desired service button or banner advertisement, using the interface provided by the client viewer application.

Furthermore, according to the instant invention, the service button or banner advertisement is associated with a URL of a service server of the particular service provider. When the user selects the service button or banner advertisement using the viewer application, the viewer application activates a Web browser and gives the URL of the service server to the Web browser such that the Web browser connects to the service server of the particular service provider.

The e-commerce system of Perkowski in no way discloses these features of the present invention. The Examiner indicates that he is interpreting a web browser to read on the predetermined client application of the present invention. The Examiner also states that a URL provided by a service provider can be used by a user to instruct a browser to access a webpage of a service provider which may include various buttons and/or links to various services located on the webpage itself, and that such a URL reads on the particular identification information of the present invention. *See Office Action pp. 11-12.* However, according to the features of claim 1, the user's communication device receives image data on a service button or banner advertisement from a first server, and the service button or banner advertisement is displayed as part of the predetermined image data viewer application. Importantly, the service button or banner advertisement is itself associated with a URL of the service server of the service provider. When the user selects the service button or banner advertisement, the viewer application

activates a Web browser and gives the URL of the service button or banner advertisement to the Web browser. This is entirely separate from the Examiner's interpretation of the Perkowski reference, which cannot disclose these features of the present invention. Perkowski in no way teaches a client application with buttons or advertisements which when selected by the user, give a URL associated with the user-selected button or advertisement to a Web Browser. Furthermore, a client application based on the disclosure of Perkowski cannot be customized for the user based upon the particular identification information which has been received from the service provider and sent to the first server from the client's computer.

As Perkowski is directed to an invention entirely distinct from the invention of the present application, and as Perkowski does not disclose the aforementioned limitations of independent claim 1, Applicants submit that claim 1 is distinguishable from Perkowski. The reference to Dedrick has not been, and indeed cannot be, relied upon to cure the aforementioned deficiencies of Perkowski. Therefore, Applicants submit that claim 1 is distinguishable from the combination of Perkowski and Dedrick.

As independent claims 10 and 26 recite features similar to those previously discussed with regard to independent claim 1, Applicant hereby submit that independent claims 10 and 26 are likewise distinguishable from Perkowski in view of Dedrick. As claims 2-9, 11-25, and 27-31 are variously dependent upon claims 1, 10, and 26, it is further submitted that these claims are likewise distinguishable from Perkowski in view of Dedrick.

Accordingly, Applicants submit that claims 1-31 are patentable over Perkowski in view of Dedrick and respectfully request that the rejection of claims 1-31 under §103(a) be withdrawn.

Conclusion

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 1, 2008

Respectfully submitted,

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